

Summary: Responsibility for the United Nations peacekeeping operations

The purpose of this thesis is to analyze an issue whether the United Nations (UN) or troop contributing countries are responsible for the conduct of military contingents in the UN peacekeeping operations. The thesis focuses solely on UN-led operations and on peacekeeping forces – military troops contributed by member states in whole contingents, rather than as individuals. The reason for focusing on peacekeeping forces is their unique hybrid legal status. While they remain in the service of their states, they become for the period of their assignment international personnel under the authority of the UN.

This thesis is composed of four chapters. Chapter one describes the meaning and the legal basis of peacekeeping operations and defines which types of operation are subject of the thesis. Second chapter deals with general rules governing international responsibility of states. Chapter three examines legal personality and responsibility of international organizations, in particular the UN. These two issues are closely related because for an entity to bear international obligations, it must first be established that the entity is a legal person.

The fourth and crucial chapter addresses the specific issue of responsibility for a conduct of military contingents in UN peacekeeping missions. Chapter focuses on two cumulative criteria for finding a state or an international organization responsible for an international wrongful act, breach of an international obligations and attribution of a conduct. It establishes relevant legal obligations that the UN and troop contributing countries may breach in the context of peacekeeping operations. In relation to the attribution of military contingents' conduct, it illustrates the approaches of the UN, International Law Commission and various legal scholars. It also looks at practise of courts and describes organizational structure of peacekeeping operations because the relationship between the UN and troop contributing countries is critically important to determine the level of control exercised by both subjects.

Conclusions are drawn in the last part of the thesis. Based on the fact that troop contributing countries retain significant control over the operational employment of

their peacekeepers, from determining the exact terms of their deployment, to holding veto over any changes to these terms by the UN, it seems more appropriate to consider peacekeepers to be under dual or joint control of the UN and their troop contributing countries. Attribution of the conduct of peacekeepers should be to both entities, both would assume shared responsibility for the conduct, to the extent that an entity exercises effective control over such conduct.